

Remarks

With respect to claims 1, 5 and 7. The applicant has reviewed the examiner's comments concerning the claimed "making possible measurement of the fluid length" does not actually required that the length be actually determined and Deficis makes possible measurement of the fluid length by determining where the end of the fluid length using the fiber optics. Therefore, the applicant's previous remarks should not be used to interpret the claims or for purposes of prosecution history estoppel because the statements are inoperative and have been withdrawn in light of the examiner's explanation.

The undersigned attorney noted the non-statutory double-patenting rejection of claims 1 and 2 based upon U.S. Patent No. 6,250,800. The undersigned attorney notes that the rejection no longer applies to the claims 1 and 2 because they have been canceled. Therefore, the rejection should be withdrawn.

Claims 3, 4, 6, 8, and 9 have been amended to incorporate the limitations of the intervening claims. Please note, however, that the term "one end" has been changed to "an end" to clarify that the claim does not mean "one and only one end," but should, instead, be interpreted to mean something like "at least one end." Independent claim 11 has been amended to make a similar change. Additionally Independent claim 11 has been amended to include the limitation found in claim 12, which has been indicated as allowable. Therefore, claims 11-14 and 16-19 should also be in condition for allowance.

Rejected claims 1, 2, 5, 7, 10, 11, 15, 17 and 20 have all been cancelled. However, the applicant reserves the right to pursue the same or similar claims in any subsequent related applications without any form of estoppel being applied, assumed or implied.

In lieu of the foregoing remarks, all claims should be in condition for allowance. The undersigned attorney requests the opportunity to discuss any perceived problems with the claims,

to further explain any of the points raised herein, and to discuss placing claims in condition for allowance. The undersigned can be reached through his direct phone number (312) 223-0010 extension 144. Please advise when you would be available for a telephone conference.

Respectfully submitted,

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I hereby certify that, on November 16, 2004, this correspondence is being deposited with the U. S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

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